

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2036

By: Archer

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6 AS INTRODUCED

7 An Act relating to eminent domain; amending 27 O.S.
8 2021, Section 11, which relates to reimbursement of
9 expenses when property is not acquired under
10 condemnation process; providing when certain expenses
11 may be reimbursed; amending 66 O.S. 2021, Section 55,
which relates to the review of commissioner's report,
eminent domain jury trials, notices, and costs;
providing when certain expenses may be reimbursed;
and providing an effective date.

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 27 O.S. 2021, Section 11, is
16 amended to read as follows:

17 Section 11. Where a condemnation proceeding is instituted by
18 any person, agency or other entity to acquire real property for use
19 as provided in Section 9 of this title and:

20 1. The final judgment is that the real property cannot be
21 acquired by condemnation;

22 2. The proceeding is abandoned; or

23 3. ~~If the award of the jury exceeds the award of the court-~~
24 ~~appointed commissioners by at least ten percent (10%), the owner of~~

1 ~~any right, title or interest in such real property may be paid such~~
2 ~~sum as in the opinion of the court will reimburse such owner for his~~
3 ~~reasonable attorney, appraisal and engineering fees, actually~~
4 ~~incurred because of the condemnation proceedings. Should only the~~
5 ~~condemning authority demand jury trial, and if the award of the jury~~
6 ~~is at least ninety percent (90%) or more of the award of the court-~~
7 ~~appointed commissioners, the owner of any right, title or interest~~
8 ~~in such real property may be paid such sum as in the opinion of the~~
9 ~~court will reimburse such owner for reasonable attorney, appraisal~~
10 ~~and engineering fees actually incurred because of the condemnation~~
11 ~~proceedings;~~

12 4. Should both the condemning authority and the property owner
13 demand jury trial and if the award of the jury is equal to or
14 greater than the award of the court-appointed commissioners, the
15 owner of any right, title, or interest in such real property may be
16 paid such sum as in the opinion of the court will reimburse such
17 owner for reasonable attorney, appraisal, and engineering fees
18 actually incurred because of the condemnation proceedings; or

19 5. Should the condemning authority makes a written settlement
20 offer after the court-appointed commissioners submit their report to
21 the trial court and this settlement amount exceeds the
22 commissioners' award amount, then the property owner shall have to
23 exceed the last written settlement offer from the condemning
24 authority by at least ten percent (10%) in order for the owner to be

1 paid such sums as in the opinion of the court will reimburse such
2 owner for reasonable attorney, appraisal and engineering fees
3 actually incurred because of the condemnation proceedings.

4 Such determination by the court shall be appealable to the
5 Supreme Court in the same manner as any other final order. The
6 final award of such sums will be paid by the person, agency or other
7 entity which sought to condemn the property.

8 SECTION 2. AMENDATORY 66 O.S. 2021, Section 55, is
9 amended to read as follows:

10 Section 55. ~~(A)~~ A. The report of the commissioners may be
11 reviewed by the district court, on written exceptions filed by
12 either party, in the clerk's office within thirty (30) days after
13 the filing of such report; and the court shall make such order
14 therein as right and justice may require, either by confirmation,
15 rejection or by ordering a new appraisal on good cause shown; or
16 either party may within sixty (60) days after the filing of such
17 report file with the clerk a written demand for a trial by jury, in
18 which case the amount of damages shall be assessed by a jury, and
19 the trial shall be conducted and judgment entered in the same manner
20 as civil actions in the district court. If the party demanding such
21 trial does not recover a verdict more favorable to ~~him~~ such party
22 than the assessment of the commissioners, all costs in the district
23 court may be taxed against ~~him~~ such party.

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1 ~~(B)~~ B. Within ten (10) days after the report of commissioners
2 is filed, the court clerk shall forward to the attorney of record
3 for the condemnor, the attorney of record for each condemnee, and to
4 all unrepresented condemnees, a copy of the commissioners' report
5 and a notice stating the time limits for filing an exception or
6 demand for jury trial as specified in ~~paragraph (A)~~ subsection A of
7 this section. This notice shall be on a form prepared by the Court
8 Administrator, which shall be approved by the Supreme Court, and
9 shall be distributed to all clerks of the district court by ~~said the~~ the
10 Court Administrator. If a party has been served by publication, the
11 clerk shall forward a copy of the report of commissioners and notice
12 of time limits for filing an exception or demand for jury trial to
13 the last-known mailing address, if any, and shall cause a copy of
14 the notice of time limits to be published in one ~~(1)~~ issue of a
15 newspaper qualified to publish legal notices, as defined in Section
16 106 of Title 25 of the Oklahoma Statutes. After issuing the notices
17 provided herein, the court clerk shall endorse on the notice form
18 filed in the case, the date and that a copy of the report together
19 with the notice was mailed to each party or ~~his~~ each party's
20 attorney of record, or the date the notice was published in
21 compliance with the provisions hereof.

22 ~~(C)~~ C. The time limits for filing an exception and demand for
23 jury trial, as prescribed in ~~paragraph (A)~~ subsection A of this
24 section, shall be calculated from the date the report of the

1 commissioners is filed in the case. On failure of the court clerk
2 to give notice within the time prescribed in ~~paragraph (B)~~
3 subsection B of this section, the court, on application of any
4 party, may extend the time for filing an exception to the report or
5 a demand for trial by jury for a period not to exceed twenty (20)
6 days from the date the application is heard.

7 ~~(D) Where the party instituting a condemnation proceeding~~
8 ~~abandons such proceeding, or where the final judgment is that the~~
9 ~~real property cannot be acquired by condemnation or if the award of~~
10 ~~the jury exceeds the award of the court-appointed commissioners by~~
11 ~~at least ten percent (10%), then the owner of any right, title or~~
12 ~~interest in the property involved may be paid such sum as in the~~
13 ~~opinion of the court will reimburse such owner for his reasonable~~

14 D. Reasonable attorney, appraisal, engineering, and expert
15 witness fees actually incurred because of the condemnation
16 proceeding shall be awarded pursuant to Section 1 of this act. ~~The~~
17 ~~sum awarded shall be paid by the party instituting the condemnation~~
18 ~~proceeding.~~

19 SECTION 3. This act shall become effective November 1, 2025.

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21 60-1-10139 JL 01/16/25
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